

**Equality Analysis Report**

<b>Title of activity / Budget Proposal title and number</b> Performance Improvement Policy	<b>Committee meeting (decision maker) and date</b> Management Team
<b>Service area</b> Personnel Services	<b>Lead officer</b> Salma Ishaq (HR Adviser – Policy & Review)
<b>Approved by</b> Management Team	<b>Date of approval</b> 21 <sup>st</sup> December 2017
<b>Description of activity:</b> Bedford Borough Council values the contribution made by employees to its current and future success and is keen to ensure that the performance of its employees is recognised. In circumstances where an issue of underperformance arises (when an employee's performance is less than what is expected of them) this will be dealt with under the Performance Improvement Policy and Guidance - 'A Guide to Managing Performance'. The aims and objectives of the policy and guidance are for managers to have a process for managing any issues of shortfalls in performance and to support employees achieve the standards required for the job. Should an employee be dismissed, the policy and guidance will ensure that the dismissal is carried out fairly, consistently and effectively.	

Please refer to the Equality Analysis Template Notes for guidance on completing this form.

**Relevance Test**

1. The outcomes of the activity directly and significantly impact on people, e.g. service users, employees, voluntary and community sector groups.	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2. The activity could / does affect one or more protected equality groups.	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
3. The activity could / does affect protected equality groups differently.	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4. One or more protected equality groups could be disadvantaged, adversely affected or are at risk of discrimination as a result of the activity.	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
5. The activity relates to an area where there are known inequalities.	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
6. The activity sets out proposals for changes to services, policies etc. and / or affects how services are delivered.	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
7. The activity relates to one or more of the three aims of the Council's equality duty.	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
8. The activity relates to the Council's Corporate Plan objectives, is a significant activity and / or presents a high risk to the Council's public reputation.	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
9. An equality analysis of this activity is required.	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
This activity has no relevance to Bedford Borough Council's duty to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations. An equality analysis is not needed.				<input type="checkbox"/>
<b>Explanation why equality analysis is not needed</b>				

**Scope of equality analysis**

<b>Who is / will be impacted by the activity's aims and outcomes?</b>	The Performance Improvement Policy and Guidance covers all Bedford Borough Council employees, with the exception of employees that work in a school.
<b>Which particular protected equality groups are likely / will be affected?</b>	All

**Evidence, data, information and consultation**

**What evidence have you used to analyse the effects on equality?**

**PERSONNEL SERVICES CASE WORK DATA**

The case work data recorded within Personnel Services for the period 1 April 2009 to June 2016 shows that there were 78 cases where employees were managed under the Capability procedure.

**Please note that figures for Disability, Religion and Pregnancy & Maternity were only recorded from April 2014 to June 2016 and within this period there are only 32 cases.**

The number of Capability cases is broken down below to show details with regards to the specified protective characteristics.

From April 2009- June 2016 (78 cases)

<b>Ethnic Origin</b>	
White British	69%
Black & Ethnic Minority	31%
<b>Grand Total</b>	<b>100%</b>

From April 2009-June 2016 (78 cases)

<b>Sex</b>	
Female	64%
Male	36%
<b>Grand Total</b>	<b>100%</b>

From April 2009- June 2016 (78 cases)

<b>Age</b>	
Under 25	4%
25-49	61%
50-64	34%
65 plus	1%
<b>Grand Total</b>	<b>100%</b>

From April 2014- June 2016 (32 cases)

<b>Disability</b>	
Yes	6%
No	94%
<b>Grand Total</b>	<b>100%</b>

From April 2014- June 2016 (32 cases)

<b>Religion &amp; Belief</b>	
Christian	67%
Buddhist	0%
Hindu	0%
Jewish	0%
Muslim	0%

	Other	0%
	No religion	33%
	<b>Grand Total</b>	<b>100%</b>
From April 2014- June 2016 (32 cases)		
	<b>Pregnancy &amp; Maternity</b>	
	Pregnant	0%
	Maternity Leave	0%
	Not Pregnant/ on Maternity Leave	100%
	<b>Grand Total</b>	<b>100%</b>
<b>Ethnic Origin</b>		
The percentage of White British that have undergone the capability procedure is 69% and the percentage of Black and Minority Ethnic (BME) group that have undergone the capability procedure is 31%. This shows that the percentage (69%) of White British is significantly higher than the percentage (31%) of the BME group. This could be partially explained by the total makeup of the Council's workforce, as White British makeup 70% of the total workforce.		
<b>Sex</b>		
The proportion of females (64%) is higher than males (36%) which could be partially explained by the makeup of the Council's workforce which is female dominant as females form 67% of the Council workforce with 33% males.		
<b>Age</b>		
The use of the capability procedure within the age band 25-49 appears to be disproportionate (61%). This		

	<p>may be because 52% of the Council's workforce is within this age band (which is also the widest age band).</p> <p><b>Disability</b></p> <p>The percentage of employees that have gone through the capability procedure with a disability is 6% which is very close to the percentage of disabled employees in the Council's total workforce which is 7%. However, further research has established that this is more connected to the relatively low numbers of employees that are involved.</p> <p><b>Religion &amp; Belief</b></p> <p>67% of employees that have undergone the capability procedure are Christian and 33% have declared no religion. The percentage of Christians are relatively higher in comparison to other religions and beliefs, however, further research has established that the percentage (67%) of Christian's is only slightly higher in comparison to the total workforce of Christian's which is 61%.</p> <p>In relation to pregnancy and maternity there is insufficient data available to conclude any findings.</p>
<p><b>What consultation did you carry out with protected equality groups to identify your activity's effect on equality?</b></p>	<p>N/a</p>
<p><b>What does this evidence tell you about the different protected groups?</b></p>	<p>The evidence suggests that there is a link between the percentage of some protected groups of employees who were subject to the capability procedure and the percentage of these groups within the Council's total workforce. For example, the percentage of females that have gone through the capability procedure is higher, in comparison to the percentage of males that have gone through the capability procedure. However, if this figure is compared to the total percentage of females in the Council's workforce, it can be clearly identified that there are more females in the Council's workforce than males. Therefore, this is not a trend but only shows that there is high number of these percentages in the Council's total workforce.</p>
<p><b>What further research or data do you need to fill any gaps in your understanding of the potential or known effects of the activity?</b></p>	<p>None identified.</p>

**General Equality Duty**

<b>Which parts of the general equality duty is the activity relevant to?</b>			
	Eliminate discrimination, harassment and victimisation	Advance equality of opportunity	Foster good relations
Age	The Performance Improvement Policy and Guidance aim to help ensure all members of staff are treated with fairness, respect and that the Council treats all employees with consistency.	It further aims to assist in creating and maintaining a working environment where all staff members will have the opportunity to fully participate in order to achieve their full potential.	The policy and guidance documentation provide management with some discretion which allows for cases to be dealt with considering individual circumstances, but still in a fair manner.
Disability			
Gender reassignment			
Pregnancy and maternity			
Race			
Religion or belief			
Sex			
Sexual orientation			
Marriage & civil partnership			

**Impact on equality groups**

<b>Based on the evidence presented what positive and negative impact will your activity have on equality?</b>				
	Positive impact	Negative impact	No impact	Explanation
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No adverse impact determined – policy and guidance will ensure matters relating to Performance Improvement are being dealt with in an effective and consistent way where members of staff of all age groups are concerned.
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No adverse impact determined – policy and guidance will ensure matters relating to Performance Improvement are being dealt with in an effective and consistent way where all members of staff are concerned. However, a potential barrier for an employee with a disability as defined in the Equality Act 2010 may be that they are not able to attain the standards required for the job. For example, an employee with a learning difficulty may be seen as having a capability issue. The Council has recognised that if there is a link between poor performance and disability the Council will be required to make any reasonable adjustments to support employees that have a disability..
Gender reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No evidence presented.
Pregnancy and maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No adverse impact determined – policy and guidance will ensure matters relating to Performance Improvement are being dealt with in an effective and consistent way where all members of staff are concerned.
Race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No adverse impact determined – policy and guidance will ensure matters relating to Performance Improvement are being dealt with in an effective and consistent way where staff of all ethnic groups are concerned.
Religion or belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No adverse impact determined – policy and guidance will ensure matters relating to Performance Improvement are being dealt with in an effective and consistent way where staff of any religion or belief are concerned. However specific rituals/practices for example Ramadan may impact on performance, therefore the Council must bear this in mind when implementing the Performance Improvement Policy.
Sex	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No adverse impact determined – policy and guidance will ensure matters relating to Performance Improvement are being dealt with in an effective and consistent way where male or female members of staff are concerned
Sexual orientation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No evidence presented.

Marriage & civil partnership	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No evidence presented.
Other relevant groups	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No evidence presented.

### Commissioned services

<b>What equality measures will be included in Contracts to help meet the three aims of the general equality duty?</b>	N/a
<b>What steps will be taken throughout the commissioning cycle to meet the different needs of protected equality groups?</b>	N/a

### Actions

	What will be done?	By who?	By when?	What will be the outcome?
<b>Actions to lessen negative impact</b>	The Performance Improvement Policy and Guidance did not show to have any negative impact on any of the protected characteristics.	N/a	N/a	N/a
<b>Actions to increase positive impact</b>	The Performance Improvement Policy and Guidance will be published on the Personnel Services web page and communicated via One Team Briefing.	Personnel Services / Communications	After approval by Management Team and TU consultation.	Managers and staff will be made aware of the policy guidelines to ensure a clear and consistent approach.
<b>Actions to develop equality evidence, information and data</b>		HR	Tbc	
<b>Actions to improve equality in</b>	N/a	N/a	N/a	N/a

<b>procurement / commissioning</b>				
<b>Other relevant actions</b>				

### **Recommendation**

<b>No major change required</b>	<input type="checkbox"/>	
<b>Adjustments required</b>	<input type="checkbox"/>	
<b>Justification to continue the activity</b>	<input checked="" type="checkbox"/>	
<b>Stop the activity</b>	<input type="checkbox"/>	

### **Summary of analysis**

In preparing this analysis, due consideration has been given to the Borough Council's statutory Equality Duty to eliminate unlawful discrimination, advance equality of opportunity and foster good relations, as set out in Section 149(1) of the Equality Act 2010.

The equality analysis of the Performance Improvement Policy and Guidance on dealing with under performance has identified no adverse impact on staff from any of the protected groups. The Performance Improvement Policy and Guidance will have a positive impact as it provides a clear and consistent approach for dealing with under performance.

A Level 2 analysis is not required.

### **Monitoring and review**

<b>Monitoring and review</b> The Performance Improvement Policy and Guidance will be updated upon any relevant legislative changes and its use will continue to be monitored to analyse if there are any future trends.	<b>Review date</b> Tbc
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